

Public Workshop and CEQA Scoping Meeting



Evaluation of the Municipal and
Domestic Supply Beneficial Use
(MUN) in Agriculturally
Dominated Water Bodies

Agenda

- **INTRODUCTION**
- **REGULATORY CONTEXT**
- **PROJECT**
 - **Background**
 - **Description**
- **POTENTIAL ALTERNATIVES**
- **NEXT STEPS**
- **QUESTION/COMMENT PERIOD**

Introduction

**Welcome to one of three Public Workshops/CEQA
Scoping Meetings**

WILLOWS

Wednesday October 24, 2012, 10:00 a.m.
City of Willows Council Chambers

RANCHO CORDOVA

Friday November 2, 2012, 10:00 a.m.
Central Valley Regional Water Board Room

FRESNO

Wednesday November 7, 2012, 10:00 a.m.
Central Valley Regional Water Board, Kings River Room

Why are we here?

We are considering amending our Basin Plans to better define the application of the municipal and domestic supply (MUN) beneficial use in Agriculturally (Ag) dominated water bodies.

Why is an amendment important to you?

Regulatory Context

California Water Boards

- Nine Regional Water Boards under State Board
- Mandate to protect beneficial uses of all surface and groundwater
- Regulatory Authority from:
 - Federal – Clean Water Act
 - State - Porter Cologne

Regulatory Basis

Federal Clean Water Act :

- Designate beneficial uses of water
- Establish water quality criteria to protect the uses

State Porter-Cologne Water Quality Control Act:

- Establishes Regional Water Boards responsibility for protecting surface & groundwater quality
- Requires Regional Water Boards to establish Water Quality Control Plans (**Basin Plans**)

Central Valley Water Board

The Central Valley Water Board has two Basin Plans

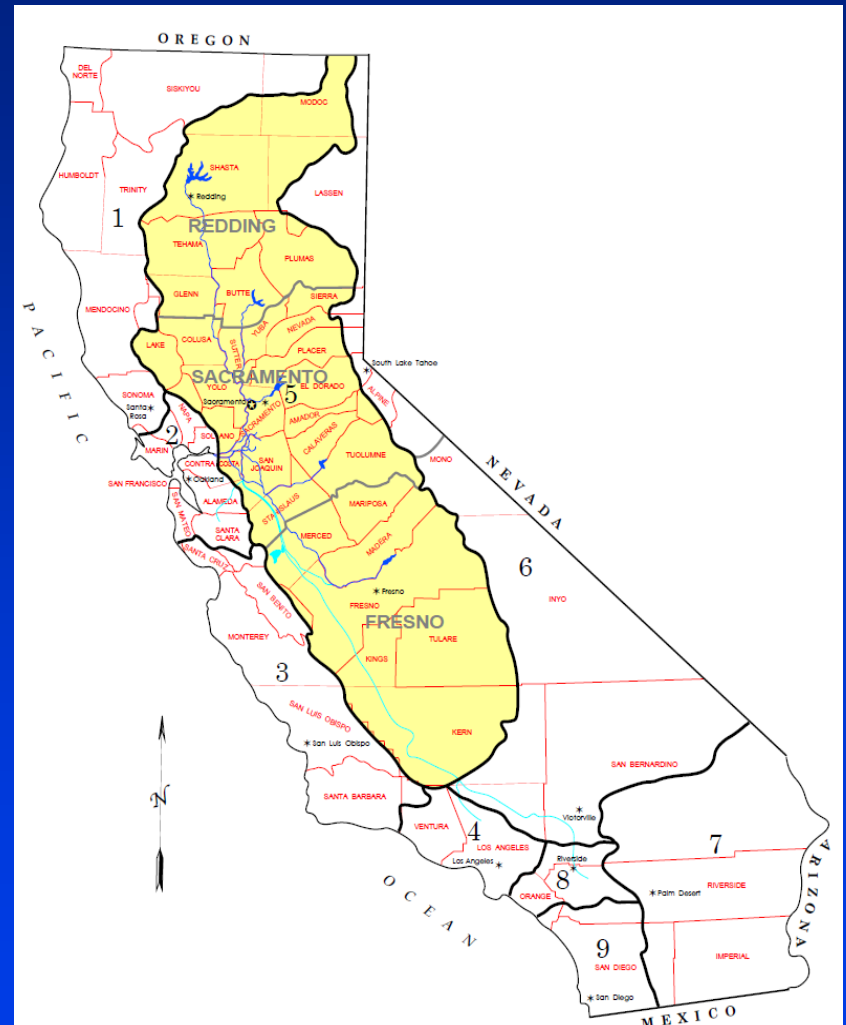
- Sacramento-San Joaquin
- Tulare Lake

Basin Plans:

- Designate beneficial uses
- Establish water quality objectives
- Describe implementation plan
- Describe monitoring & surveillance program
- Incorporate State Policies

Have the legal force and effect of regulation

Changes to the Basin Plan require a Basin Plan Amendment



Basin Plan Amendment Process

- Regional Water Board adoption
- State Water Resources Control Board approval
- Office of Administrative Law approval
- US EPA approval
- Public Participation

Public Process

- Stakeholder Meetings
- Workshops/CEQA scoping meetings
- Board Hearings
- Response to comments received

CEQA Scoping

- The California Environmental Quality Act (CEQA) to requires an environmental analysis of any proposed Basin Plan amendment
- CEQA scoping meeting provides an opportunity for the public to give input on:
 - ✓ Potential environmental impacts
 - ✓ Mitigation measures
 - ✓ Possible alternatives

The Project

Background

- Scope
- History
- Recent Events

Description

- Case Study

Today's CEQA Scoping

Solicit comments and suggestions from the public regarding a proposal to:

- 1) Evaluate appropriate designation of MUN beneficial use and application of the State Water Board Sources of Drinking Water Policy (Resolution 88-63) in receiving waters of four POTWs in the Sacramento River Basin

Today's CEQA Scoping

2) Amend the Sacramento River and San Joaquin River Basin Plan and the Tulare Lake Basin Plan to incorporate a framework for evaluating agriculturally (Ag) dominated water bodies for the appropriate:

- ✓ MUN beneficial use designation
- ✓ Water quality objectives
- ✓ Implementation/Monitoring requirements
- ✓ **Application of State Policies**

Relevant State Policies

Sources of Drinking Water Policy
(Resolution 88-63)

Statement of Policy with Respect to
Maintaining High Quality Waters in
California (Resolution 68-16)

“California Antidegradation Policy”

“Sources of Drinking Water Policy” (Resolution 88-63)

- MUN Beneficial use applies to all water bodies unless they are specifically listed (in the Basin Plans) as water bodies that are not designated with MUN
- 88-63 does contain exceptions, but our Basin Plans require “. . . a formal Basin Plan amendment and public hearing, followed by approval of such an amendment by the State Water Board and the Office of Administrative Law”

“Statement of Policy with Respect to Maintaining High Quality Waters in California” (Resolution 68-16)

- Also known as the California Antidegradation Policy
- Applies to both surface and groundwater and requires that existing high quality be maintained to the maximum extent possible

History

Inland Surface Water Plan (ISWP)
Ag Water Task Force

1991 – Inland Surface Water Plan (ISWP)

Statewide plan adopted in 1991

- Satisfied Federal CWA to adopt water quality objectives for all surface water bodies
- Set out program of implementation for agriculture
 - ✓ Natural water bodies dominated by agricultural return flows
 - ✓ Constructed agricultural drains
 - ✓ Six year schedule based on water body type

ISWP Summary Table

Drainage Area	# Agency Reports	Category (b)		Category (c)	
		#	Miles	#	Miles
Sacramento	93	68	541	2485	5160
San Joaquin	63	46	538	1715	4689
Delta	70	13	126	789	1548
Tulare Lake	109	28	268	1068	6460
Foothills	24	5	39	234	661
Area Subtotal:	359	160	1512	6291	18519
Major Waterways	5	0	0	28	1293
Total:	364	160	1512	6319	19812

- Coordinated information from water agencies
- Defined Drainage Basins
- Identified Categories of Water bodies
- Over 350 Reports covering 90% of Central Valley irrigated agriculture

Agricultural Waters Task Force Report

Statewide Stakeholder Process

Dec. 1994 – Nov. 1995

Chapter 4 of Final Report: Ag Dominated Water Bodies

- Definitions
- Exemptions from Water Quality Objectives
- Categorization of Water Bodies
 - ✓ Flow Charts
- Beneficial Use Designations
- Water Quality Objectives
- Implementation
- Other Policy Issues
- Appendices
 - ✓ List of Issues
 - ✓ Draft Implementation Plan

US EPA Promulgated California Toxics Rule (CTR) in May 2000 - revised Statewide ISWP Not Developed

Identified Issues Continue

Recent Events

Challenges during permit adoptions for NPDES program

- POTW effluent discharge to Ag Drains
- Stated MUN exception in 2(b) of 88-63 where the *“water is in systems designed or modified for the primary purpose of conveying or holding agricultural drainage waters, provided that the discharge from such systems is monitored to assure compliance with all relevant water quality objectives as required by the Regional Boards.”*
- Expensive upgrades needed to meet MUN Water Quality Objectives

Recent Events (cont.)

Adopted Triennial Review Workplan Identified Two Related Issues

- ✓ Evaluate MUN designation in constructed ag drains
- ✓ Determine appropriate beneficial uses and level of protection for Ag dominated water bodies

CV-SALTS

- CV-SALTS (Central Valley Salinity Alternatives for Long-Term Sustainability) is a stakeholder driven effort to address salinity and nitrate problems in the Central Valley
- CV-SALTS identified need for appropriate beneficial uses and level of protection in Ag dominated water bodies as related to salt and nitrate

Today

- Central Valley Water Board is working in conjunction with the CV-SALTS initiative on this MUN evaluation.
- Case Study in the Sacramento River Basin -four POTWs
 - ✓ City of Biggs
 - ✓ City of Colusa
 - ✓ City of Live Oak
 - ✓ City of Willows
- Case Study will serve as a template for all of the Central Valley

1st Phase of a Larger Effort

The MUN beneficial use project is the **initial** phase of a larger effort to evaluate appropriate protection of ALL applicable beneficial uses in Ag dominated water bodies

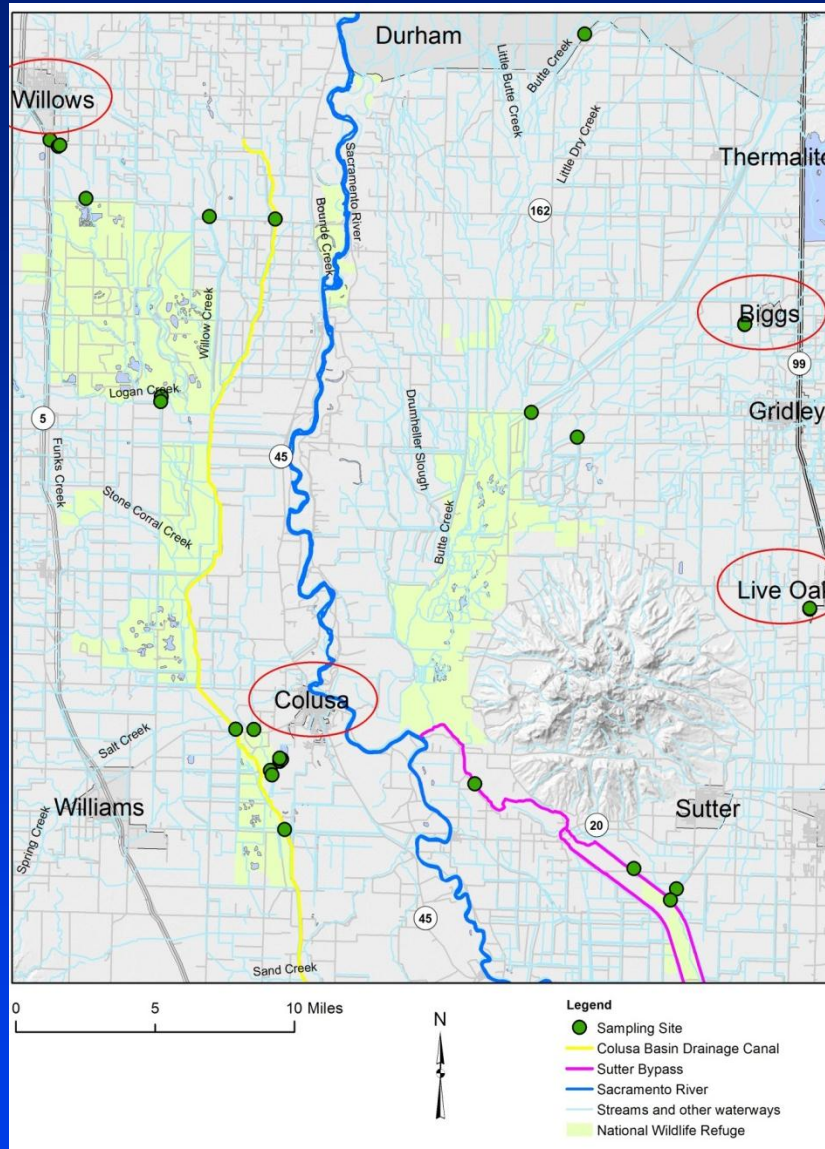
Case Study Description

Sacramento River Basin Archetypes

- Case study area in the Sacramento River Basin
- Centered around the receiving waters for the POTWs in:
 - ✓ City of Biggs
 - ✓ City of Colusa
 - ✓ City of Live Oak
 - ✓ City of Willows
- May be used to develop a template for the Ag dominated water bodies in the whole Central Valley region

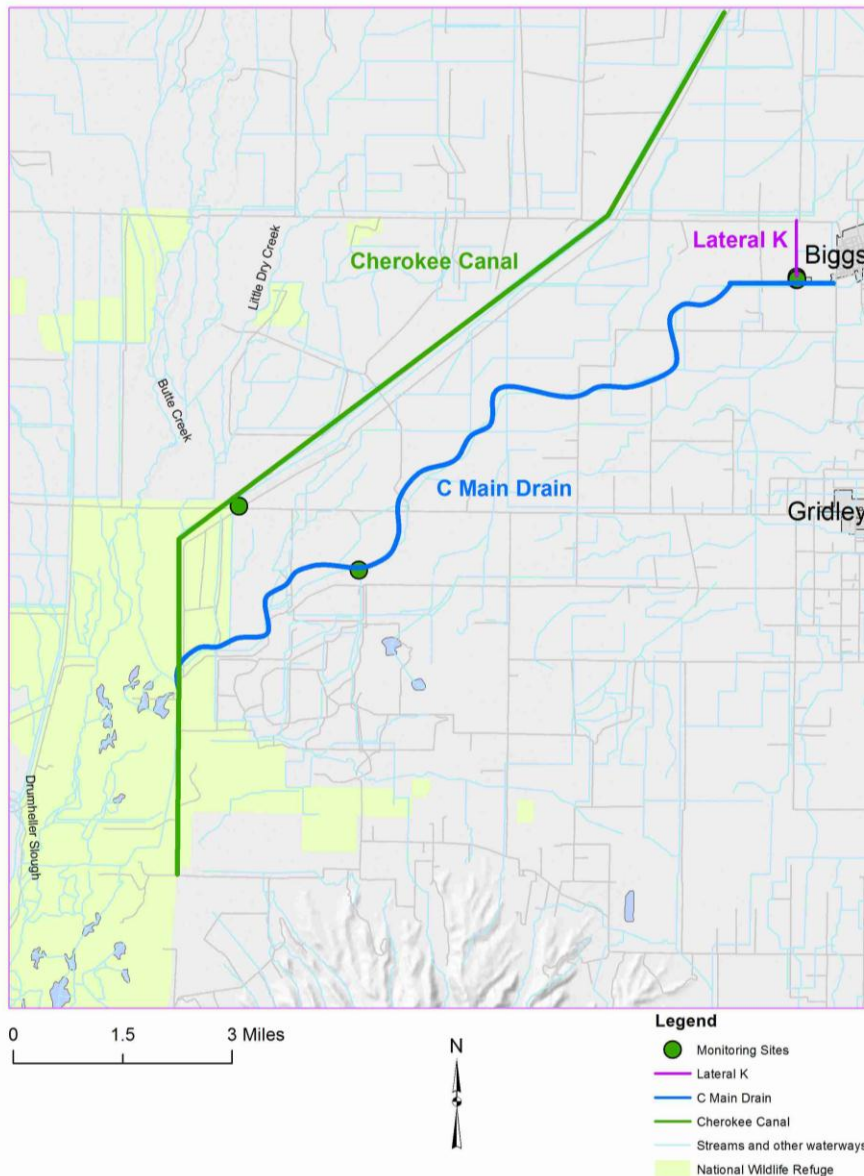


Sacramento River Basin Archetypes



- Approximately 400 Square miles
- Contains a mix of constructed, modified and natural channels used for agriculture
- No evidence of MUN use

Case Study: Biggs Subarea



Characteristics –

Lateral K is a constructed facility designed to carry Ag. drainage.

C Main Drain was a channel extension of Hamilton Slough. Carries both drainage and supply water.

Cherokee Canal is a constructed Ag. supply and drainage channel.

Case Study: Biggs Subarea



Lateral K

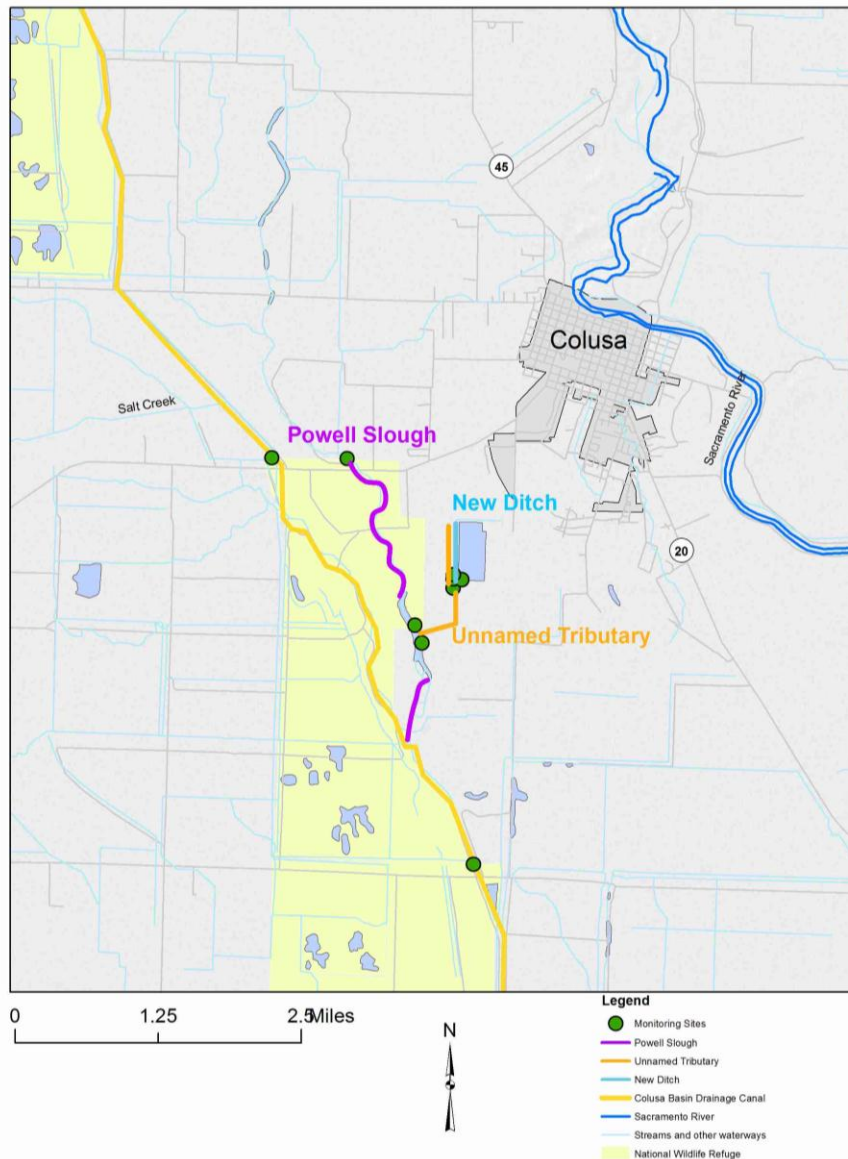


C Main Drain



Cherokee Canal

Case Study: Colusa Subarea



Characteristics –

Unnamed Tributary is a constructed facility that carries primarily Ag. drainage.

New Ditch is a constructed (2011) channel that carries Ag. drainage.

Powell Slough is an Ag. dominated waterway with significant modifications downstream of Hwy. 20

Case Study: Colusa Subarea



Unnamed Tributary



New Ditch

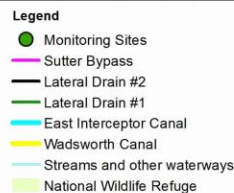
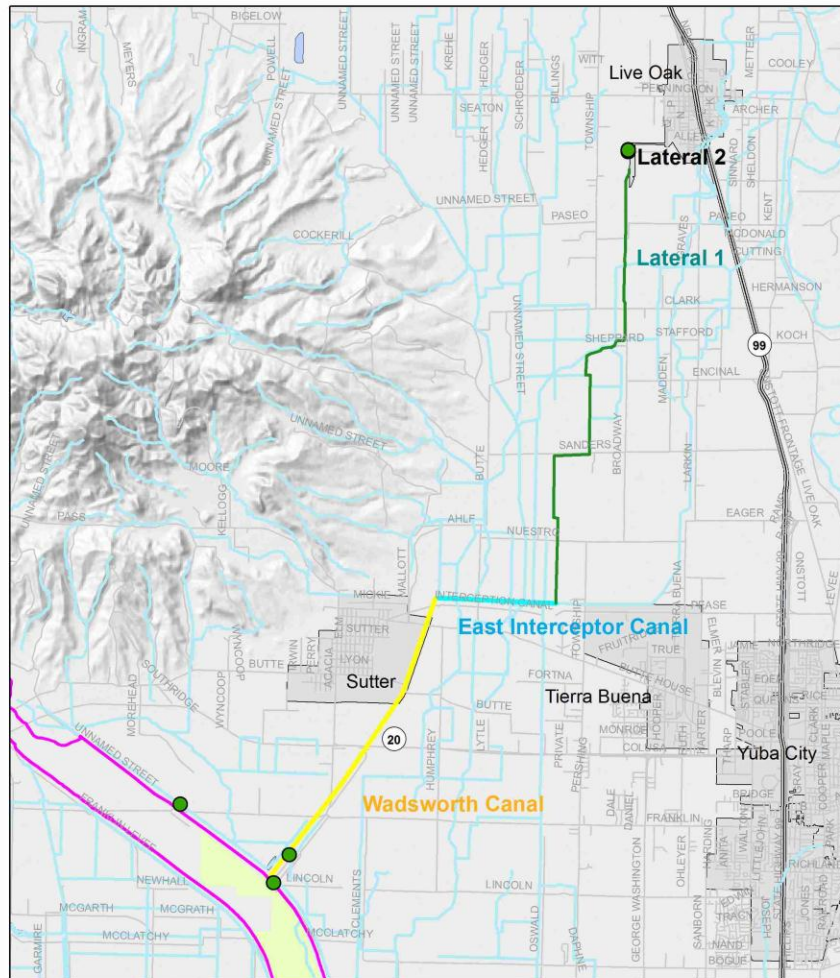


Powell Slough Weir



Powell Slough

Case Study: Live Oak Subarea



Characteristics –

Lateral 2, Lateral 1, East Interceptor Canal and Wadsworth Canal are all constructed facilities

Case Study: Live Oak Subarea



Lateral 2



Lateral 1



East Interceptor Canal



Wadsworth Canal

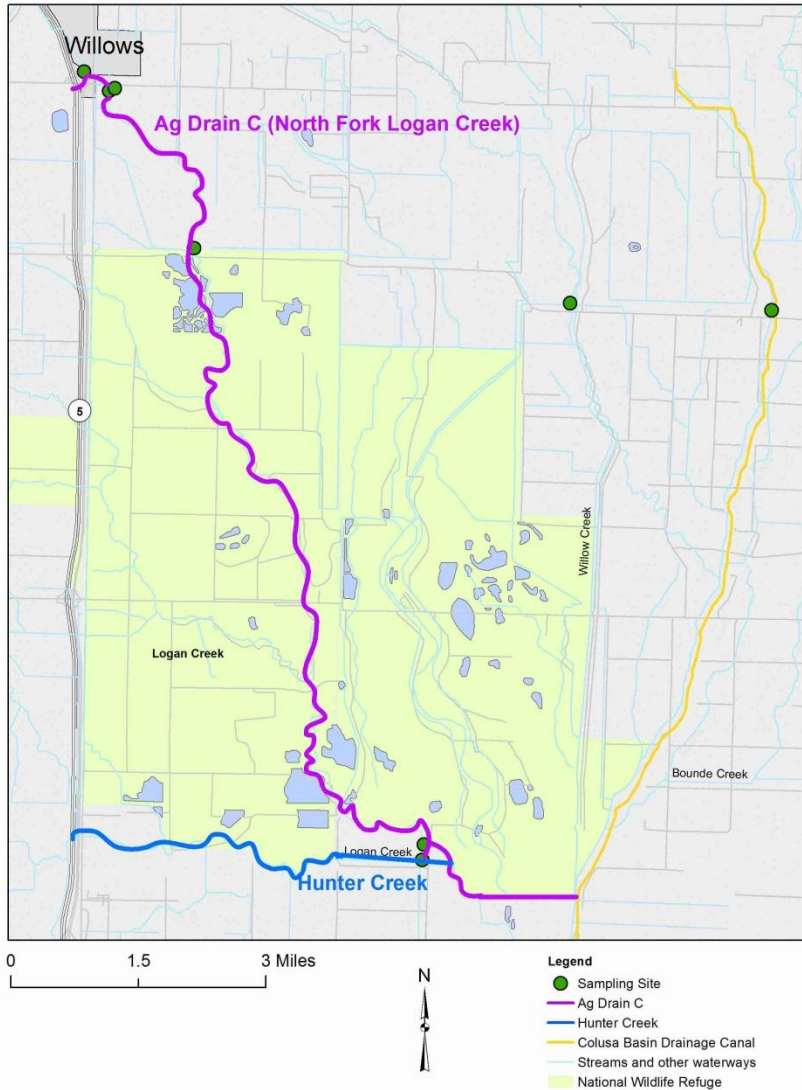
Case Study: Willows Subarea

Characteristics –

Ag. Drain C – reconstructed channel of the North Fork Logan Creek. Conveys drainage water that may be recycled as supply water. Runs through the Sacramento Wildlife Refuge.

Logan Creek - Ag. Drain C meets with Logan Creek in the refuge and continues down to confluence with Hunter Creek. Heavily reconstructed after leaving the refuge until its confluence with Colusa Basin Drain.

Hunter Creek – reconstructed channel carrying drainage and water that will be recycled as supply water.



Case Study: Willows Subarea



Ag. Drain C



Logan Creek



Hunter Creek

Potential Alternatives

Considerations with all Alternatives

- Policies/Regulation
- Beneficial Uses
- Water Quality Objectives
- Implementation/Monitoring

Potential Environmental and
Economic Impacts

CEQA Scoping

Environmental Impacts to Consider

- Aesthetics
- Agriculture & forest resource
- Air quality
- Biological resources
- Cultural resources
- Geology & soils
- Greenhouse gas emissions
- Hazards & hazardous materials
- Hydrology & water quality
- Land use & planning
- Mineral resources
- Noise
- Population & housing
- Public services
- Recreation
- Transportation /traffic
- Utilities & service systems

Alternative #1 – No Action

- No changes - all water bodies would continue to be designated for the full protection of the MUN beneficial use unless otherwise specified in the Basin Plans
- Dischargers will need to:
 - ✓ Make necessary upgrades to comply with MUN use or
 - ✓ Pursue individual Basin Plan Amendments

Alternative # 2 – Site Specific Objectives (SSOs)

- The Basin Plans currently state that waters designated for MUN must not exceed Maximum Contaminant Levels (MCLs) of Title 22 of the California Code of Regulations (CCR) for chemical constituents, pesticides, and radionuclides.
- Alternative is to develop SSOs appropriate for Ag dominated source water.

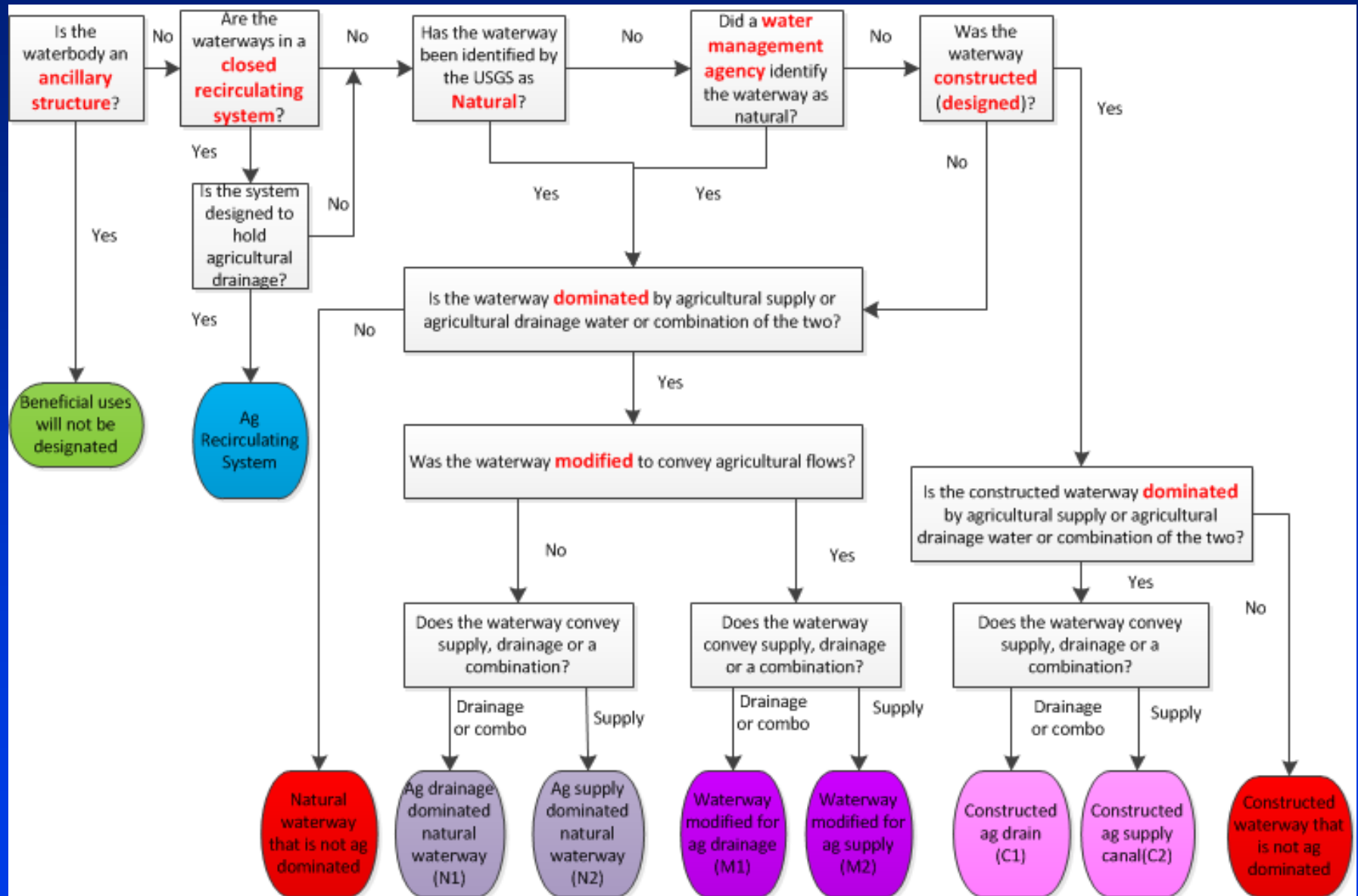
Alternative # 2 – Site Specific Objectives (SSOs)

- SSOs may be based on:
 - ✓ Protection of the designated uses
 - ✓ A higher carcinogenicity risk factor
 - ✓ Lesser consumption of water
 - ✓ Lesser period of exposure
 - ✓ Use of the California Department of Health Services in lieu of US EPA criteria
 - ✓ Use of other scientifically sound criteria
- A “Site” is generally Water body specific

Alternative # 3 – Water Body Categorical Approach

- Build off of work done for the ISWP and AgWTF
- Categories of Ag dominated water bodies would be identified and characterized
- A decision tree process, taking into consideration the applicable regulatory policies, would be used for each water body category to determine:
 - ✓ Appropriate MUN beneficial use designation
 - ✓ Protective water quality objectives

Potential Water Body Categorization Flow Chart



Potential Water Body Decision Tree



*Decisions based on the Sources of Drinking Water Policy Resolution No. 88-63

Alternative # 4 – Tributary Rule

- Basin Plans currently state that for surface waters, the *“beneficial uses of any specifically identified water body generally apply to its tributary streams...”*
- Replace blanket designation of MUN with “tributary” designation
- The “tributary rule” generally is not used to determine beneficial uses for constructed agricultural drains and other non-stream tributaries

Alternative # 5 – Dedesignate MUN in Ag dominated water bodies

- All water bodies identified as Ag dominated would have the MUN beneficial use de-designated.

(Identification of water bodies still needed)

What the Basin Plan Amendment MAY Include

- 1) A methodology for characterizing or defining Ag dominated water bodies categories
- 2) Identification of water bodies that meet the exceptions identified in Resolution 88-63
- 3) Proposed refinements (such as subcategories) of the MUN beneficial use in different categories of Ag dominated water bodies

What the BPA MAY include (cont.)

- 4) Site-specific or category specific water quality objectives that are protective of the identified MUN beneficial use
- 5) A program of implementation for achieving water quality objectives
- 6) A monitoring program to evaluate protection of the applicable beneficial use and effectiveness of the implementation efforts.

Next Steps

Next Steps for MUN effort



- Upcoming stakeholder meetings to discuss:
 - ✓ Water body characterization and beneficial use designation
 - ✓ Water Quality Objectives
 - ✓ Implementation/Monitoring
 - ✓ Other Policy Issues
- Recommendation for POTWs
- Recommendation for a Region wide template

Project Schedule

DRAFT MUN Evaluation Work Plan

Activity	2011		2012				2013				2014				2015			
	N	D	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Strategic Planning																		*
Compile Background																		*
Survey Conditions/Uses																		*
Initial Alternatives/CEQA Scoping																		*
Design/Conduct/Assess Monitoring																		*
Refine Alternatives										*								*
Prepare Staff Rpt/SED																		*
Public Review																		*
Peer Review																		*
Regional Board Adoption																		*
State Board Approval																		*
OAL Approval																		*

*Decision on pursuing basin plan amendment

 = staff collaboration
 = anticipate contract \$\$\$ need

Template for the Central Valley Region



- Apply Sacramento case study as a template for the rest of the Central Valley region
- Streamline the process for determining the appropriate beneficial uses

How to get involved

- Attend Stakeholder meetings
- Updates by email and on project website
(http://www.waterboards.ca.gov/centralvalley/water_issues/salinity/mun_beneficial_use/index.shtml)
- Sign up for email updates at:
http://www.waterboards.ca.gov/resources/email_subscriptions/reg5_subscribe.shtml

CEQA Scoping Comments due: **November 15, 2012**

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Questions?

Comments?